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Eyal Bartfeld

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EXAMINER

YIMAM, HARUN M

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/928,741

Applicant(s)

BARTFELD, EYAL

Examiner

Harun M. Yimam

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/14/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 05/14/2007 regarding claims 27-38 have been fully considered but are moot in view of new grounds of rejection.

Although a new grounds of rejection has been used to address additional limitations that have been added to **claims 27 - 38**, a response is considered necessary for several of applicant's arguments since applicants make arguments that need to be addressed and also since references McKissick (EP 1458193 A2), Brunet (U.S. 5995590) and O'Neal (U.S. 6711154 B1) will continue to be used to meet several claimed limitations.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 29-34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick (EP 1458193 A2) in view of Brunet (U.S 5995590).

Considering claim 27, McKissick discloses

a set-top box (26 in figure 1A) in communication with the television messaging system (10 in figure 1A and ¶ [0024]), and adapted to deliver a message through a television (30 in figure 1A) coupled thereto (¶ [0024], [0025] and [0031]. (¶ [0038] teaches a television connected to the set top box to display or deliver a message, see Figure 1A element 30);

a text receiving module executed in the set-top box (¶ [0039] teaches a keyboard, figure 1B element 34, in communication with set-top box 34 for entering messages which can be displayed on the screen so there has to be some module in the set-top box to receive the messages from the keyboard, ¶ [0033] teaches a processor in the set-top box to handle television message features), and adapted to receive text from a user (¶ [0039] teaches a user can enter the messages in);

In addition, McKissick discloses that the messaging set top box application may be performed by a server (§ [0034]). However, McKissick fails to disclose a text to speech module executed in said television messaging system, and coupled to said text receiving module for transforming said text into speech, said text to speech module adapted to produce a voice output corresponding to said text; and, a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages.

In an analogous art, Brunet teaches a text to speech module executed in said television messaging system, and coupled to said text-receiving module for transforming said text into speech (Column 2 lines 51-58 teaches that the text may be transmitted and that the text to speech conversion may be done by locating apparatus 14 at the other end. Figure 1 teaches the text to speech module element 12 coupled to the keyboard element 14), said text to speech module adapted to produce a voice output corresponding to said text (Column 2 lines 51-58 teaches a computer being used to convert text to speech before the message is transmitted); and,

a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages (Figure 1 element 18 and Column 2 lines 31-34 teaches a voice delivery module, and Column 4 lines 27-32 and Figure 14 teach transmitting a voice message to a voice message receiver).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the messaging system of McKissick using the text to speech converting system of Brunet for the benefit of allowing a person who is mute to carry out a conversation with a person that is deaf.

With regards to claim 29, it is met by the combination of McKissick and Brunet. In particular, McKissick teaches a step of delivering is performed by feeding said signals to a telephone network (¶ [0024, lines 11-22 teaches the use of telephone lines along data path 24).

Regarding claim 30, it is met by the combination of McKissick and Brunet. In particular, McKissick teaches that said set-top box is coupled to said text to speech module via a telephony network (¶ [0024, lines 11-22 teaches the use of telephone lines along data path 24).

Considering claims 31 and 38, they are met by the combination of McKissick and Brunet. In particular, McKissick teaches that the set-top box is in communication with said messaging system using a downstream network, and wherein text receiving module is coupled to said text to speech module utilizing an upstream network different than said downstream network (¶ [0024] - ¶ [0026] and ¶ [0043] - ¶ [0045]. Furthermore, figure 1A and Paragraph 34 teach an upstream network interface element which includes element 22).

As to claims 32 and 34, it is met by the combination of McKissick and Brunet. In particular, McKissick teaches that the text to voice messaging device is adapted to receive said text input via a telephone network (Paragraphs [0024] and [0026]).

Considering claim 33, McKissick discloses a television messaging server (16 in figure 1A and ¶ [0026], lines 39-43), operating in conjunction with a television messaging system (10 in figure 1A and ¶ [0024]) for delivering messages to a user, the server comprising:

a message delivery module (22 in figure 1A) for distributing a plurality of messages to a plurality of set top boxes located in a respective plurality of user premises (¶ [0024] - ¶ [0034]), for delivery of said messages utilizing a television (30 in figure 1A);

a text receiving module coupled to a plurality of text entry devices (¶ [0039] teaches a keyboard, figure 1B element 34, in communication with set-top box 34 for entering messages which can be displayed on the screen so there has to be some module in the set-top box to receive the messages from the keyboard, ¶ [0033] teaches a processor in the set-top box to handle television message features), and adapted to receive text from a user (¶ [0039] teaches a user can enter the messages in), at least one of said text entry devices being operated in said user premises, for receiving text input therefrom (see ¶ [0039] and figure 1B);

In addition, McKissick discloses that the messaging set top box application may be performed by a server (§ [0034]). However, McKissick fails to disclose a text to speech module executed in said server, and coupled to said text receiving module for transforming said text into speech, said text to speech module adapted to produce a voice output corresponding to said text; and, a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages.

In an analogous art, Brunet teaches a text to speech module executed in said server, and coupled to said text-receiving module for transforming said text into speech (Column 2 lines 51-58 teaches that the text may be transmitted and that the text to speech conversion may be done by locating apparatus 14 at the other end. Figure 1 teaches the text to speech module element 12 coupled to the keyboard element 14), said text to speech module adapted to produce a voice output corresponding to said text (Column 2 lines 51-58 teaches a computer being used to convert text to speech before the message is transmitted); and,

a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages (Figure 1 element 18 and Column 2 lines 31-34 teaches a voice delivery module, and Column 4 lines 27-32 and Figure 14 teach transmitting a voice message to a voice message receiver).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the messaging system of McKissick using the text to speech



converting system of Brunet for the benefit of allowing a person who is mute to carry out a conversation with a person that is deaf.

a text to speech module executed on said server, and coupled to said text receiving module for transforming said text into speech, said text to speech module adapted to produce a voice output corresponding to said text; and,

a voice delivery module adapted to deliver said output to a target voice messaging system.

With regards to claim 36, it is met by the combination of McKissick and Brunet. In particular, Brunet teaches the output delivery module is adapted to transmit said output to the target voice messaging system in a speech format (Column 2 lines 31-36 teaches transmitting synthesized speech to a telephone microphone to be transmitted).

Regarding claim 37, it is met by the combination of McKissick and Brunet. In particular, McKissick teaches that said target messaging server (audio voice mail equipment 22 of figure 1A) is integrated into said television messaging server (television distribution facility 16 of figure 1A) (¶ [0030]).

5. Claims 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick (EP 1458193 A2) in view of Brunet (U.S 5995590) and further in view of O'Neal (U.S. 6711154 B1).

Regarding claims 28 and 35, McKissick and Brunet fail to teach said output delivery module is adapted to transmit said output to the target voice messaging system in a voice data file format.

In an analogous art O'Neal teaches said output delivery module is adapted to transmit said output to the target voice messaging system in a voice data file format (Column 8 lines 44-59 teaches converting a message to Real Audio format prior to delivery).

It would have been obvious for one of ordinary skill in the art at the time of invention to modify the combined systems of McKissick and Brunet with the voice data file formatted message delivery system of O'Neal for the purpose of being able to access all of his/her messages, regardless of message type, via a unified system, from either a computer or telephone (Column 3 lines 45-47, O'Neal).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER